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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,967	06/29/2001	Evren Eryurek	30203/37386	9898
4743	7590	08/09/2004	EXAMINER	
MARSHALL, GERSTEIN & BORUN LLP 6300 SEARS TOWER 233 S. WACKER DRIVE CHICAGO, IL 60606			POPE, DARYL C	
			ART UNIT	PAPER NUMBER
			2632	
DATE MAILED: 08/09/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/896,967	ERYUREK ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	DARYL C POPE	2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 June 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 18-20 is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### **ART REJECTION:**

#### ***Claim Rejections - 35 USC § 102***

2. **Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilson et al(Wilson) for the reasons of record as discussed in the previous office action.**

#### ***Allowable Subject Matter***

3. The following is a statement of reasons for the indication of allowable subject matter:

The primary reasons of indicating allowability of claims 18-20 is the inclusion of associating the device status condition in a first plurality of possible device status condition with one device status condition in a second plurality of possible device status conditions, which is not taught by the prior art.

### **REMARKS:**

#### ***Response to Arguments***

4. Applicant's arguments filed 6/10/04 have been fully considered but they are not deemed persuasive for the following reasons.

5. **APPLICANT'S ARGUMENTS:**

- 1) *"Claim 1 recites a method of generating a HART alert message within a process control system.....Wilson does not teach , disclose or suggest any of the elements of claim 1. Accordingly, claim 1 is allowable over Wilson."*

2) "Claim 2 depends from claim 1.....At least for this additional reason, claim 2 is allowable over Wilson."

3) "Claim 14 recites, *inter alia*, associating the detected condition with one of a device failure.....Therefore, Wilson does not teach, disclose, or suggest the above-identified elements of claim 14. At least for this reason, claim 14 is allowable over Wilson."

4) "It is respectfully asserted that independent claim 8 and new independent claim 18 are allowable at least for reasons similar to those discussed above with respect to claim 1.....Applicant respectfully asserts that claims 19 and 20 are allowable at least for the same reasons as claim 18."

6. EXAMINER'S RESPONSE:

1) Applicant is asserting that the system of Wilson does not read on the claimed subject matter with respect to claim 1 because Wilson describes a control system for fire and security alarm systems of a building, and does not teach anything about HART devices, their conditions, or their alert messages. The examiner disagrees with the applicant's assertion considering that the applicant defined the HART device as a Highway Addressable Remote Transducer device. Therefore most of the devices which are monitored by the system of Wilson fall under the definition of HART devices, since the system of Wilson communicates with its devices utilizing an addressable electronic communication system which would have constituted a highway, and as well since the devices of Wilson are remote transducers.

Therefore, the examiner deems that the definition of HART devices does not distinguish the system of the present invention from the system of Wilson in a manner

Art Unit: 2632

that would have made the present invention allowable. In view of this, applicant argument is not deemed persuasive.

2-4) With regards to applicant's argument 2-3, the examiner disagrees with applicant since the entire premise of the system of Wilson is the monitoring, detecting, advising, displaying and correcting of faults of the monitored devices in the system, as shown by the operation of the software of the Master Control Program of the PC(12). In view of this, applicant's argument is not deemed persuasive.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL C POPE whose telephone number is (703) 305-4838. The examiner can normally be reached on M-TH 7:30-6:00.

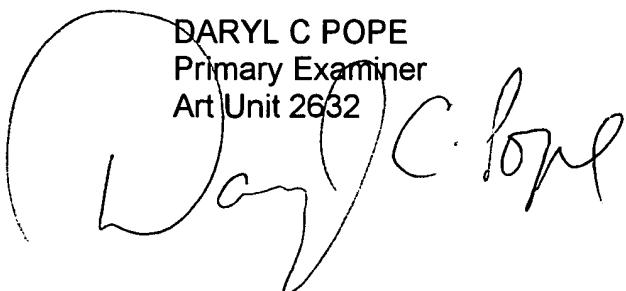
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DANIEL WU can be reached on (703) 308-6730. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daryl C. Pope

Aug. 8, 2004

DARYL C POPE  
Primary Examiner  
Art Unit 2632

A handwritten signature in black ink, appearing to read "Daryl C. Pope". It is enclosed within a large, roughly circular outline.